

REMARKS

Claims 1-23 are currently pending in this application. Claim 1 has been amended. No new matter has been added by this amendment. Applicants have carefully reviewed the positions presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

Claim Rejections Under 35 U.S.C. §103

Claims 1-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,711, 299 to *Manwaring et al.* in view of U.S. Patent No. 6,496,779 to *Hwang*.

The Office Action indicates that *Manwaring et al.* teaches the claimed invention except for determining the future position of the device on the basis of past and repeat positions of the device. *Hwang* is cited for teaching the determination of the present position of a device on the basis of past knowledge and using this information to accurately determine the future location.

Applicant traverses this basis for rejection on several grounds. First, *Manwaring et al.* does not teach the storage of position coordinate data, *e.g.*, Cartesian or polar coordinate data, for a device; in fact, it does not even teach the determination of any position coordinate data. The system of *Manwaring et al.* involves monitoring the movement of a probe relative to a trajectory from an initial point to a target. A feedback device indicates if the probe is aligned or misaligned with the trajectory. (See Abstract and column 9, lines 44-55.) The alignment of the probe relative to the trajectory is based on the detection of a null in a magnetic field along the trajectory. (See column 6, lines 15-21.) Nowhere in *Manwaring et al.* is coordinate data of the probed either determined or stored. Second, the claimed invention does not involve the determination of the future position of a device, so the relevance of *Hwang* is questioned. With further regard to *Hwang*, it does not disclose the storage of position coordinate data.

The present invention, as recited in independent claims 1 and 15, involves the determination and storage of present-position coordinate data related to the present position of the device. As the device is moved about an anatomical site, the system continues to determine and store position data. This position data is considered to be present-position data when it relates to the present or current position of the device. Once the device is moved and new

position data is determined, the new position data becomes the present-position data, while that which was previously the present-position data (prior to movement of the device) becomes past-position data. This past-position data is stored in a processor for comparison with new present-position data. The processor outputs repeat-position indication data when the present-position coordinate data is substantially the same as one of the past-position coordinate data. This allows the user to know that the device was previously been positioned at the present position. Regarding independent claim 23, while it does not involve the storage of position data, it does, like claims 1 and 15, involve the provision of position coordinate data related to the position of the transducer.

In view of the foregoing, Applicants submit that neither *Manwaring et al.* nor *Hwang*, either alone or in combination, teach or suggest the invention claimed in independent claims 1, 15 and 23. Accordingly, Applicants request reconsideration of the §103 rejections of claims 1, 15 and 23 and their respective dependent claims.

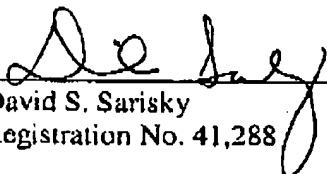
Regarding dependent claims 2-14 and 16-22, Applicants note that the Office Action does not provide any specific bases for rejection of these claims, by way of citations to relevant sections of either *Manwaring et al.* or *Hwang*. Applicants believe that most, if not all, of the dependent claims recite subject matter that is not disclosed in either *Manwaring et al.* or *Hwang*. If the next communication from the Office is not a Notice of Allowability, Applicants request that the dependent claims be more completely addressed, by including citations to sections of applied references considered to specifically teach the claimed subject matter.

CONCLUSION

Applicants have made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. Therefore, reconsideration and allowance of all of Applicants' claims 1-23 are believed to be in order and an early Notice of Allowance to this effect is earnestly solicited.

Respectfully submitted,

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